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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,273	05/24/2001	Cheol Jin	2950-0194P	9250

2292 7590 02/18/2004

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EXAMINER

PSITOS, ARISTOTELIS M

ART UNIT	PAPER NUMBER
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2653

DATE MAILED: 02/18/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/863,273

Applicant(s)

JIN, CHEOL

Examiner

Aristotelis M Psitos

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— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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DETAILED ACTION

Applicant's response of 12/8/03 has been considered with the following results.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

1. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizume et al considered with Finkelstein et al.

Shimizume et al discloses a disc driving method in a recording/reproducing system wherein the recording modes are altered between a CAV and a CLV mode as required along the radius of a disc.

Although figure 6 focuses upon a reproduction system, the examiner considers the recording ability to be the mirror image thereof – i.e., information had to have been recorded onto the disc in order for it to be reproduced. The examiner concludes that because as disclosed the system is drawn to a recording or reproducing system, the recording ability is present.

Nevertheless, although there is no clear indication that the ability of reading of the information while recording in Shimizume et al, Finkelstein et al teaches in this environment, the ability of direct read while write.

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It would have been obvious to modify the base system of Shimizume et al with the above teaching from Finkelstein et al, motivation is to ensure proper recording during writing as well as monitoring the required signal format parameters.

Response to Arguments

Applicant's arguments with respect to claim 1, has been considered but are moot in view of the new ground(s) of rejection.

2. Claims 2 & 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 1 as stated in paragraph 1 above, and further in view of Yoshida.

Shimizume et al disclose the use of the atip signal as the signal indicative of position and hence derivation of the speed as required. Although it is known that ATIP signals include sync signal components it is not clearly depicted in Shimizume et al

The ability of have a sync signal in this environment and subsequent control abilities derived therefrom is taught by the Yoshida document.

It would have been obvious to modify the base system of Shimizume et al – Finkelstein et al and include/substitute sync information as the designated signal to be monitored for subsequent speed control of the motor in the overall system. The examiner concludes that the use of sync information for speed control is known and inclusion of such with Shimizume et al permits the use of existing signal formatting to be used and hence also the use of established player circuitry thus saving valuable resources in not having to recreate player/recorder circuitry.

Response to Arguments

Applicant's arguments with respect to claims 2 & 3 have been considered but are moot in view of the new ground(s) of rejection.

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizume et al considered with Finkelstein et al and all further considered with Yoshida.

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Shimizume et al discloses a disc driving method in a recording/reproducing system wherein the recording modes are altered between a CAV and a CLV mode as required along the radius of a disc.

Although figure 6 focuses upon a reproduction system, the examiner considers the recording ability to be the mirror image thereof – i.e., information had to have been recorded onto the disc in order for it to be reproduced. The examiner concludes that because as disclosed the system is drawn to a recording or reproducing system, the recording ability is present.

Nevertheless, although there is no clear indication that the ability of reading of the information while recording in Shimizume et al, Finkelstein et al teaches in this environment, the ability of direct read while write.

It would have been obvious to modify the base system of Shimizume et al with the above teaching from Finkelstein et al, motivation is to ensure proper recording during writing as well as monitoring the required signal format parameters *to ensure proper formatting/signal processing.*

Although Shimizume et al disclose the use of the atip signal as the signal indicative of position and hence derivation of the speed as required the ability of have a sync signal in this environment and subsequent control abilities derived therefrom is taught by the Yoshida document.

It would have been obvious to modify the base system of Shimizume et al – Finkelstein et al and include/substitute sync information as the designated signal to be monitored for subsequent speed control of the motor in the overall system: The examiner concludes that the use of sync information for speed control is known and inclusion of such with Shimizume et al will provide for a more robust/precise motor control ability.

Response to Arguments

Applicant's arguments with respect to claim 4, has been considered but are moot in view of the new ground(s) of rejection.

4. Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 4 as stated in paragraph 3 above, and further in view of Okada et al.

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Okada et al further teaches the ability of using wobble frequency as a discrimination signal, and or as the encoding speed of an encoder.

It would have been obvious to modify the base system of Shimizume et al –Finkelstein et al, and modify such with Okada et al so as to detect a If wobble frequency signal and appropriate control further signal processing as a result of comparing such with a predetermined frequency, see Okada et al at col. 2 lines 54 plus.

Response to Arguments

Applicant's arguments with respect to claim 5, has been considered but are moot in view of the new ground(s) of rejection.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 1 above as stated in paragraph 1 above, and further in view of Okada et al

With respect to the limitations of claim 6, the Okada et al system provides for the encoding ability.

It would have been obvious to modify the above noted references relied upon with respect to claim 1, with the further encoding ability of Okada et al – again, selection of a type of discrimination signal/ predetermined signal to be detected, is considered merely a selection between equivalents. That is, whether the predetermined signal is either: a sync, ATIP, a code indicative of the encoding scheme, or a signal indicative of a mode (CAV/CLV) is not of moment, but equivalent abilities.

Response to Arguments

Applicant's arguments with respect to claim 6, has been considered but are moot in view of the new ground(s) of rejection.

6. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizume et al considered with Finkelstein et al and both further considered with Okada.

Shimizume et al discloses a disc driving method in a recording/reproducing system wherein the recording modes are altered between a CAV and a CLV mode as required along the radius of a disc.

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Although figure 6 focuses upon a reproduction system, the examiner considers the recording ability to be the mirror image thereof – i.e., information had to have been recorded onto the disc in order for it to be reproduced. The examiner concludes that because as disclosed the system is drawn to a recording or reproducing system, the recording ability is present.

Nevertheless, although there is no clear indication that the ability of reading of the information while recording in Shimizume et al, Finkelstein et al teaches in this environment, the ability of direct read while write.

It would have been obvious to modify the base system of Shimizume et al with the above teaching from Finkelstein et al, motivation is to ensure proper recording during writing as well as monitoring the required signal format parameters.

Okada et al further teaches the ability of using wobble frequency as a discrimination signal, and or as the encoding speed of an encoder.

It would have been obvious to modify the base system of Shimizume et al – Finkelstein et al, and modify such with Okada et al so as to detect a If wobble frequency signal and appropriate control further signal processing as a result of comparing such with a predetermined frequency, see Okada et al at col. 2 lines 54 plus.

Response to Arguments

Applicant's arguments with respect to claims 8-10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action

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is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Hard copies of the application files are now separated from this examining corps; hence the examiner can answer no questions that require a review of the file without sufficient lead-time.

Any inquiries concerning missing papers/references, etc. must be directed to Group 2600 Customer Services at (703) 306-0377.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aristotelis M Psitos whose telephone number is (703) 308-1598. The examiner can normally be reached on M-Thursday 8 - 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on (703) 305-6137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aristotelis M Psitos
Primary Examiner
Art Unit 2653



AMP